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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,750	03/05/2002	Louis B. Rosenberg	IMMR-0047B	8227

60140 7590 11/08/2006

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EXAMINER
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NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/091,750	ROSENBERG, LOUIS B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin M. Nguyen	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 38-55 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-55 and 57-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2006 has been entered. An action on the RCE follows:
2. This office action is made in response to applicant's amendment filed on 10/18/2006. Claims 1-37 and 56 are cancelled, and claims 38, 49 and 55 are amended. Thus, claims 38-55 and 57-59 are currently pending in the application. Responses to applicant's argument filed on 10/18/2006 with respect to amended claims are moot in a new ground of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38, 39, 42, 47, 48, 55, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 4,667,182) in view of Van Ketwich (US 6,072,475).

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5. As to claim 38, Murphy discloses an apparatus [figure 1], comprising:

a stylus [a stylus 1, Fig. 1] configured to be manipulated against a surface and configured to be held in a hand of user [see col. 1, lines 32-39, and col. 6, lines 9-12];

a sensor [7] configured to send at least one sensor signal to a host computer [a tablet controller] based on a coordinate position [x and y coordinates] of the stylus against the surface [*a surface of a tablet, see col. 3, lines 35-63, and col. 5, lines 25-31 for details of the operation*];

an actuator [*a drive mechanism, Fig. 1*] disposed within the stylus [1] and configured to apply a haptic sensation [*a tactile sensation*] in response to the at least one sensor signal indicating the stylus at a designated coordinate position on the surface [*a graphic input tablet/menu portion is designated on said x and y coordinates, see the abstract, and col. 3, lines 45-48, and col. 5, lines 32-59 for further details of the operation*].

Accordingly, Murphy teaches all of the claimed limitation, except for a sensor configured to send at least one sensor signal to a host computer based on a coordinate position of the stylus only when the stylus is moved against the surface.

However, Van Ketwich teaches the touch screen 1411 has an active surface area 1412. The active surface area 1412 is an only predetermined region on this surface area. Alternately, the touch screen is only sensitive in the dent-shaped part by sliding and pressing of the stylus 1246 against the touch screen in col. 8, lines 35-50.

6. The limitation of claim 55 are similar to those of claim 38, though in method form, therefore the rejection of claim 55 will be treated using the same rationale as claim 38.

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7. As to claim 39, Murphy discloses wherein the actuator is configured to modify the length of the stylus [see Figs. 1 and 4, col. 4, lines 1-33 for further details of the explanation].

8. As to claim 42, Murphy discloses wherein the actuator is configured to produce at least one of a plurality of force sensations, the plurality of force sensations including a vibration, and a jolt [see the abstract, and col. 3, lines 1-2, lines 45-48, and col. 5, lines 32-59 for further details of the operation].

9. As to claim 43, Murphy discloses wherein the actuator is a solenoid [9, see col. 5, line 33-49 for further details of the operation].

10. As to claim 47, Murphy discloses wherein the actuator is configured to vibrate [see col. 3, lines 1-2, lines 45-48, and col. 5, lines 32-59 for further details of the operation].

11. As to claim 48, Van Ketwisch discloses wherein the sensor is disposed within the surface [the touch screen 1411 is only sensitive in the dent-shaped part in col. 8, lines 40-41].

12. As to claim 58, Murphy discloses wherein the actuator is within the stylus 3 is configured to produce force sensations such as a force resistance and jolt in col. 2, line 67 through col. 2, line 2.

13. As to claim 59, Murphy discloses wherein the force comprises at least of a force resistance and jolt in col. 2, line 67 through col. 2, line 2.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Van Ketwisch into Murphy to have

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created the claimed invention. It would have been obvious to implement the only touch sensitive in the dent-shaped part by sliding and pressing of the stylus 1246 against the touch screen of Van Ketwich with the association of Murphy, because this would provide a user receives tactile feedback from touch screen when he slides an object, such as the tip of his finger or a stylus, over an active surface area of the touch screen. This tactile feedback reduces the risk that a user touches an unintended spot of the active surface area of the touch screen. This is especially helpful when the touch screen is operated out of sight from the user and/or when it is operated when the user is on the move (for example walking) (see Van Ketwich, col. 4, lines 27-35). The motivation for doing so: see Van Ketwich col. 11, lines 3-8, and col. 11, lines 30-47.

14. Claims 43-46 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Van Ketwich, as applied to claims 38 and 55, and further in view of Padula et al (US Re.34,095) hereinafter Padula.

15. As to claims 44 and 45, the combination of Murphy and Van Ketwich teaches all of the claimed limitation, except wherein a tip portion of the stylus member includes a rotatable ball.

However, Padula discloses a conventional stylus which includes the ball-pen applying resistance the tablet surface [see col. 1, lines 36-38].

16. As to claims 43 and 46, Murphy discloses wherein the actuator is a solenoid [9, see col. 5, line 33-49 for further details of the operation].

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17. As to claim 57, Padula conventionally discloses wherein the stylus includes a rotatable ball in a tip portion, the actuator being configured to apply the force to the rotatable ball in col. 1, lines 36-38, and col. 6, lines 62-66.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Murphy and Van Ketwich to become the stylus includes the ball-pen as conventionally disclosed by Padula, because this would provide a layer of pressure-sensitive ink in which the stylus being intended especially for use in a signature verification system or graphics digitizer tablet, while improving stylus switch which is reliable, small, and inexpensive to produce (see Padula, col. 1, lines 14-16, and col. 3, lines 50-52).

18. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Van Ketwich as applied to claim 38 above, and further in view of Taniishi et al (US 5,177,472) hereafter Taniishi.

Murphy discloses all of the claimed limitation, except for a power source disposed within a stylus.

Taniishi conventionally discloses the power in col. 2, line 20. It would have been obvious to provide the battery disposed within the stylus.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combination Murphy and Van Ketwich to become the power source disposed within the stylus as conventionally disclosed by Taniishi in order to achieve the benefit of intend to supply the DC power for the electronic stylus.

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19. Claims 49 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniishi et al (previously cited, US 5,177,472) hereinafter Taniishi in view of Van Ketwich.

20. As to claim 49, figure 1A of Taniishi et al teaches an apparatus, comprising:

a stylus [a vibration stylus 3];

a sensor [6, fig. 2] in communication with a host computer [11, fig. 3], the sensor [6] configured to detect a coordinate position [a coordinate location of a touch sensitive surface 16, fig. 2] of the stylus [3] against a surface [against a surface of display 8, fig. 2];

an actuator [a drive mechanism is within said vibration stylus 3, Fig. 1A] coupled to the stylus [3], the actuator configured to vibrate [4] in response to the sensor [vibration sensor 6, fig. 2] detecting the coordinate position of the stylus at a designated location at the surface [see col. 3, lines 35-51, col. 4, lines 45-58, and col. 7, lines 15-45 for further details].

Accordingly, Taniishi teaches all of the claimed limitation, except for the sensor configured to detect a coordinate position of the stylus against a surface and provide a coordinate position signal associated with the coordinate position of the stylus only while the stylus is moved along the surface, and the coordinate position signal indicating the stylus is positioned at a designated location on the surface.

However, figure 7a of Van Ketwich teaches the touch screen 1411 having an active surface area 1412 including the touch sensitive surface to detect the stylus 1246 being touched. The active surface area 1412 is an only predetermined region on this



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surface area. Alternately, the touch screen is only sensitive in the dent-shaped part by sliding along of the stylus 1246 against the touch screen 1411 in col. 8, lines 35-50.

21. As to claim 54, Taniishi discloses wherein the actuator is a solenoid [a conductive ring 38, see fig. 1A, col. 5, line 35-45 for further details of the operation].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Van Ketwich into Taniishi to have created the claimed invention. It would have been obvious to implement the only touch sensitive in the dent-shaped part by sliding and pressing of the stylus 1246 against the touch screen of Van Ketwich with the association of Taniishi, because this would provide a user receives tactile feedback from touch screen when he slides an object, such as the tip of his finger or a stylus, over an active surface area of the touch screen. This tactile feedback reduces the risk that a user touches an unintended spot of the active surface area of the touch screen. This is especially helpful when the touch screen is operated out of sight from the user and/or when it is operated when the user is on the move (for example walking) (see Van Ketwich, col. 4, lines 27-35). The motivation for doing so: see Van Ketwich col. 11, lines 3-8, and col. 11, lines 30-47.

22. Claims 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniishi in view of Padula et al (US Re.34,095) hereinafter Padula.

23. As to claim 50 and 51, Murphy teaches all of the claimed limitation of claim 49, except wherein a tip portion of the stylus member includes a rotatable ball.

However, Padula discloses a conventional stylus which includes the ball-pen applying resistance the tablet surface in col. 1, lines 36-38.

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24. As to claim 52, Padula discloses wherein stylus is configured to be held in a hand [the stylus 3 is hold by a user's hand].

25. As to claim 53, Padula discloses wherein a tip portion of the stylus includes the rotatable ball configured to contact the surface in col. 1, lines 36-38.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the stylus of Taniishi to become the stylus includes the ball-pen as conventionally disclosed by Padula, because this would provide a layer of pressure-sensitive ink in which the stylus being intended especially for use in a signature verification system or graphics digitizer tablet, while improving stylus switch which is reliable, small, and inexpensive to produce (see Padula, col. 1, lines 14-16, and col. 3, lines 50-52).

### ***Response to Arguments***

26. Applicant's arguments with respect to claims 38-55 and 57-59 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

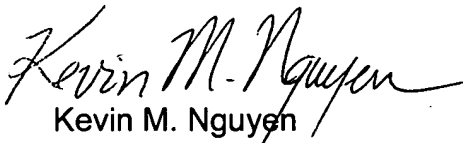
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kevin M. Nguyen  
Patent Examiner  
Art Unit 2629

KMN  
November 3, 2006